



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,439	11/19/2003	Yehuda Einav	081627-0306318	3946
909	7590	04/19/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			TSIDULKO, MARK	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2875	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,439

Applicant(s)

EINAV, YEHUDA

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,13-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 2-5,12 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 012705.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 8, 9, 11, 14, 15, 19, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shih (US 5,624,029).

Referring to Claim 1 Shih discloses (Fig.1) a tool box including a base [1] having a bottom and side walls, a cover (not indicated by number) having a top and side walls and being movably mounted to the base to move between an open and a close positions, wherein the base and the cover define a storage compartment therein and one side wall has a light permeable lens [271] mounted therein, and a light mounted in the storage compartment including a power source [3] and an illumination device [25] oriented toward the lens [271].

Referring to Claim 6 Shih discloses (Figs.1, 4) a tool box wherein the light has a battery compartment [2] and a battery compartment cover [21].

Referring to Claims 8, 9 and 19 Shih discloses (Fig.3) a latch and handle (not indicated by numbers).

Referring to Claim 11 Shih discloses (Fig.1) a tool box including a bottom wall, a top wall, an outer side walls extending between the bottom wall and the top wall to form a fully contained interior storage compartment, wherein the side wall has a light transmitting opening

Art Unit: 2875

[11] and a light mounted within the interior compartment including a power source [3] and an illumination device [26] being positioned at the light transmitting opening [11].

Referring to Claim 14 Shih discloses (Fig.4) the light transmitting opening is sealed by a light permeable lens [271].

Referring to Claim 15 Shih discloses (Fig.1) that the top wall and apportion of the outer side wall form a cover, and the bottom wall and the remaining portion of the outer wall form a base.

Referring to Claim 20 Shih (Fig.1) a tool box wherein the side wall includes an upper side wall and a lower side wall, and a latch removably connects the upper side wall to the lower side wall.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih (US 5,624,029).

Shih discloses the instant claimed invention except for the material of the box.

While Shih does not disclose the material of the box, it will readily understood by those skilled in the art that the box may be made of any desired material, including plastic, what is well known in the art, in order to reduce weight of the box.

Art Unit: 2875

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the tool box made of plastic in order to reduce weight of the box.

Claims 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shih (US 5,624,029) in view of Gugel et al. (US 5,913,380).

Shih discloses the instant claimed invention except for the cover having at least one compartment with a cover that is accessible from the exterior of the box.

Gugel et al. disclose (Fig.8) a cover [204] having a plurality of the compartments with a cover [220] that is accessible from the exterior of the box. It allow to increase the possibility of holding of various tool.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the cover of the device of Shih having a plurality of compartments, as taught by Gugel et al., for the purpose of holding of various tool.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shih (US 5,624,029) in view of Meisner et al. (US 5,011,013).

Shih discloses the instant claimed invention except for a removable tray.

Meisner et al. disclose a tool box having a removable tray, which can be easily transported to a construction site (col.1, lines 5-11).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the toll box of Shih with the removable tray, as taught by Meisner et al. in order to simplify using of the tool in a construction site.

***Allowable Subject Matter***

Claims 2-5, 12, 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 2, 12 the prior art of record fails to show a tool box wherein a light is movably mounted in the cover and is movably between a first position directed to the light permeable lens and a second position directed within the base.

Claims 3-5 are objected as claims depended on claim 2.

Claims 13 is objected as claims depended on claim 12.

Referring to Claim 16 the prior art of record fails to show a tool box wherein the cover has an articulated support to which the light is mounted for movement.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.  
January 27, 2005

A handwritten signature in black ink, appearing to read 'JAW', with a large, stylized loop at the end.

**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**